

Legislative Fiscal Bureau

Fiscal Note

SF 316 - Sexual Exploitation Teachers, Checks (LSB 1284 SV)

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Fiscal Note Version — New

Description

Senate File 316 creates a criminal offense of sexual exploitation by a school employee, provides a penalty, and permits the Board of Educational Examiners (BOEE) to perform record checks of individuals seeking renewal of a license or certificate.

Background

Currently, the Board of Educational Examiners conducts approximately 5,000 background checks annually for applicants seeking new licenses. The fee is \$18, which includes \$10 that is passed through to the Department of Public Safety, Division of Criminal Investigation (DCI); \$2 that is passed through to the Information Technology Department (ITD) for processing charges; and \$6 that is retained by the BOEE to defray personnel costs associated with 1.0 temporary FTE position for a clerk to process the information. In addition, the BOEE has 1.0 FTE position for an investigator to conduct investigations. Denials of licensure may result in hearings that require the compensation of hearing officers at \$65 per hour. There were 12 hearings in FY 2002 at an average cost of \$1,100 per case.

Assumptions

1. The BOEE will conduct an additional 15,000 background checks annually and charge each applicant a fee of \$18, \$6 of which will be retained by the BOEE to defray costs.
2. The BOEE will require an additional 2.0 FTE positions for office support staff at \$30,000 each and 1.0 FTE position for an additional Investigator II at \$45,000; these costs include salary and benefits.
3. Denials and revocations will result in 25 additional hearings annually, at an average cost of \$1,100 per case.
4. The additional staffing will result in the need for three computers at a one-time cost of \$6,000.
5. The additional workload will result in increased expense for printing and supplies of \$2,000 annually.
6. The \$10 pass-through fee to DCI and the \$2 pass-through fee to ITD will be sufficient to cover the costs to those agencies.
7. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
8. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
9. The law will be come effective July 1, 2003. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
10. This information is provided from the Justice Data Warehouse, which consists of court and Community-Based Corrections (CBC) information through FY 2002.
11. The average daily cost for parole or probation is \$1.82 per offender. The average length of stay for an aggravated misdemeanor conviction is 19 months on probation or 5 months on parole. The average length of stay for a Class D felony is 26 months on probation or 13 months on parole.

12. The marginal cost per day for State prisons is \$12.00 per offender. The average length of stay for an aggravated misdemeanor conviction against a person is nine months. The average length of stay for a Class D felony conviction against a person is 23 months.
13. The median cost per case for indigent defense is \$1,000 for an aggravated misdemeanor or a Class D felony.
14. The average cost for an aggravated misdemeanor trial ranges from \$80 to \$470, depending on if a jury is used. The average cost of a Class D felony trial ranges from \$195 to \$1,200. These costs include the time of a court reporter, court attendant, Clerk of Court staff, and a District Associate Judge.
15. Offenders convicted under this Bill may be required to register on the Sex Offender Registry maintained by the Department of Public Safety. The cost associated with the Registry is unknown.

Correctional Impact

The correctional impact of SF 316 cannot be determined due to insufficient information with which to estimate the number of additional convictions, prison terms, jail terms, and/or probation terms that will result.

Senate File 316 would have a minimal correctional impact on prisons, jails, and Community-Based Corrections. In FY 2002, there were nine people convicted of Lascivious Acts with a Minor (Section 709.14, Code of Iowa). However, it cannot be determined how many of these convicted offenders, if any, are school employees. This Bill would criminalize acts against certain minors that are not now against the law. Additionally, some penalties against some minors would be increased from serious misdemeanors to aggravated misdemeanors and Class D felonies.

Fiscal Impact

Due to insufficient information, the fiscal impact of creating a new offense under SF 316 cannot be determined. However, the State's cost for one aggravated misdemeanor conviction for a crime against a minor ranges from \$1,100 to \$5,000. The State's cost for one Class D felony conviction for a crime against a minor ranges from \$1,600 to \$11,200. These costs will be incurred across multiple years while the person is supervised in the correctional system, either in prison or in the community.

The estimated net fiscal impact of SF 316 to the Board of Educational Examiners is as follows:

	<u>FY 2004</u>	<u>FY 2005</u>
<u>Revenues</u>		
Applicant fees	\$270,000	\$270,000
<u>Expenditures</u>		
Salaries	\$105,000	\$105,000
Pass-through fees	180,000	180,000
Hearing costs	26,000	26,000
Other	8,000	2,000
Total expenditures	<u>\$319,000</u>	<u>\$313,000</u>
Net impact	<u>\$-49,000</u>	<u>\$-43,000</u>

Sources

Board of Educational Examiners
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch
State Public Defender's Office

/s/ Dennis C Prouty

March 17, 2003

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
